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To: United States Patent and Trademark Office **From:** Shirley A. Kopecky
Commissioner for Patents

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Pages: **12** including cover sheet **Fax:** 713-483-5384/281-884-0623

Phone: **8/25/2006**

Re: Attorney Docket: COS-890 **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Customer No: 25264

In re Application of:
Jim Butler et al.

§ Examiner: Peter Mulcahy

Serial No.: 10/749,259

§ Group Art Unit: 1713

Confirmation No.: 8566

§ Customer No: 25264

Filed: December 31, 2003

§ Attorney Docket No. COS-890

For: **USING EXCESS LEVELS OF
METAL SALTS TO IMPROVE
PROPERTIES WHEN
INCORPORATING POLYMERS
IN ASPHALT**

See attached:

1. Transmittal Letter; and
2. Amendment and Response to Office Action and Final Rejection dated June 28, 2006

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Attorney Docket No. COS-890
Customer No: 25264

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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§ Examiner: Peter Mulcahy

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§ Group Art Unit: 1713

§ Attorney Docket No. COS-890

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

CERTIFICATE OF FACSIMILE 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office to the designated
fax 571-273-8300, to the attention of the named Examiner, on the
date below.

August 25, 2006

Signature

TRANSMITTAL LETTER

In connection with the above-identified application, Applicants respectfully submit an Amendment and Response to Office Action and Final Rejection dated June 28, 2006.

No fees are believed to be due in conjunction with this response. However, if fees are due the Commissioner is hereby authorized to charge any such fees that may be required, or to credit any overpayment, to Deposit Account Number 03-3345.

Respectfully submitted,

Shirley A. Kopecky
Registration No. 48,460
FINA TECHNOLOGY, INC.
P.O. Box 674412
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Attorney for Applicant(s)

Date: August 25, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

§ Examiner: Peter Mulcahy

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§ Group Art Unit: 1713

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§ Attorney Docket No. COS-890

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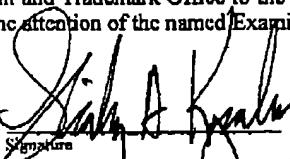
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August 25, 2006
Date


Peter A. Mulcahy
Signature

Dear Honorable Commissioner:

RESPONSE TO OFFICE ACTION DATED JUNE 28, 2006

In response to the Office Action and Final Rejection dated June 28, 2006, having a shortened statutory period for response set to expire on September 28, 2006, Applicants file this response and amendment.

Applicants thank the Examiner for his time on March 10, 2006, and respectfully request allowance of the claims based on that discussion and the following.

The Listing of Claims begins on Page 2.

Remarks/Arguments begin on Page 9.